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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,400	03/24/2004	Ryosuke Asai	Q80698	3513
23373 7590 09/12/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER LAFORGLA, CHRISTIAN A				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/807,400

## Applicant(s)

ASAI, RYOSUKE

## Examiner

CHRISTIAN LAFORGIA

## Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 July 2008 has been entered.
2. Claims 1-24 have been presented for examination.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new grounds of rejection set forth below.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4-7, and 12-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0108035 A1 to Herley et al., hereinafter Herley.
6. As per claims 1, 16, 19, 20, 23, and 24, Herley teaches disclose a contents supplying system comprising a server (Figure 5 [element 510]) and a terminal device (Figures 3 [element 360], 5 [element 530]), wherein the server comprises:

a unit which divides a contents into a first portion (Figure 3 [element 310]) and a plurality of second portions (Figures 2 [step 210], 3 [elements 300, 320], paragraphs 0010, 0020, 0022), each of the second portions including information continuously needed in reproducing the contents, a data amount of the second portion being smaller than a data amount of the first portion (Figures 3 [element 320], 4 [element 420], paragraphs 0026-0027);

a unit which encrypts the second portion of contents by a predetermined method and transmits an encrypted second portion of the contents to the terminal device in response to a request of the second portion of the contents (Figure 2 [step 215], paragraph 0023), and wherein the terminal device comprises:

a unit, which prepares the first portion of the contents (Figures 2 [step 230], 3 [element 310], paragraphs 0026, 0033);

a unit, which transmits the request of the second portion of the contents to the server, the request of the second portion including information which indicates a state of the terminal device and which is used by the server to determine the second portion to be transmitted in response to the request of the second portion (paragraphs 0004, 0029, i.e. recipient requesting content);

a unit which receives the encrypted second portion of the contents from the server, and obtains the second portion of the contents by decrypting the encrypted second portion of the contents (Figures 2 [steps 230, 235], 3 [element 330], paragraphs 0026, 0033); and

a unit which restores the contents from the first and the second portions of the contents (Figures 2 [step 245], 3 [elements 310+320 = 340], paragraph 0026-0028, 0033).

7. Regarding claim 2, Herley discloses wherein the unit which prepares the first portion of the contents comprises:

a unit which transmits the request of the first portion of the contents to the server in response to input of a user (paragraphs 0004, 0029, i.e. recipient requesting content); and

a unit which receives the first portion of the contents from the server and stores the first portion (Figures 2 [step 230], 3 [element 310], paragraphs 0026, 0033).

8. Regarding claim 4, Herley discloses wherein the contents are moving picture contents, and wherein the second portion of the contents comprises a header information portion of moving picture data forming the moving picture contents (paragraphs 0022, 0038).

9. Regarding claim 5, Herley discloses wherein the contents are the moving picture contents, and wherein the second portion of the contents comprises data corresponding to a specific portion in a story of the moving picture contents (paragraphs 0022, 0038).

10. Regarding claim 6, Herley discloses wherein the contents are computer programs, and wherein the second portion of the contents is data defining a function which is utilized in the programs (paragraph 0038, i.e. executable programs).

11. Regarding claim 7, Herley discloses wherein the request of the second portion is continuously transmitted when the contents are reproduced (Figure 2 [step 225], paragraph 0025).

12. Regarding claim 12, Herley discloses wherein the server transmits the identical second portions of the contents to a plurality of terminal devices (Figure 2 [step 225], paragraphs 0025, 0027-0029).

13. Regarding claim 13, Herley discloses wherein the server transmits different second portions of the contents to a plurality of terminal devices respectively (Figure 2 [step 225], paragraph 0025, 0027-0029).

14. Regarding claim 14, Herley teaches wherein the second portion is formed by an identical common portion and an individual portion, and wherein the server transmits a combination of the common portion and individual portions different from each other to a plurality of terminal devices (paragraphs 0022, 0029).

15. As per claims 15, 17, 18, 21, and 22, they are rejected on the same grounds as claims 1 and 2 above.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herley.

18. Regarding claim 3, Herley discloses applying the invention to digital video files (paragraph 0038), but does not specifically teach wherein the contents are MPEG moving picture contents, and wherein each of the second portions comprises an I-picture data of the MPEG moving picture content.

19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the digital video files of Herley be MPEG files and the second portions be I-picture data, since specifying the type of video files would have yielded predictable results such as alleviating network congestion (see Herley paragraph 0009).

20. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herley in view of U.S. Patent No. 6,069,647 to Sullivan et al., hereinafter Sullivan.

21. Regarding claim 8, Herley does not teach wherein the request of the second portion comprises at least a part of the first portion of the contents or specific information, and wherein the server performs certification of the request of the second portion and transmits the second portion to the terminal device when the certification is correctly executed.

22. Sullivan teaches wherein the request of the second portion comprises at least a part of the first portion of the contents or specific information, and wherein the server performs certification of the request of the second portion and transmits the second portion to the terminal device when the certification is correctly executed (column 7 lines 40-58). The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK.

23. It would be obvious to one of ordinary skill in the art at the time of invention to request a digital certificate for authentication from the end device and then use a public key of the end device to encrypt the next transmission, since this would prevent unintended recipients from intercepting the contents, a point Herley considers in at least paragraph 0005.

24. With regards to claim 9, Sullivan teaches wherein the certification is determined based on coincidence of the first portion of the contents which the server transmitted to the terminal device in the past, with at least a part of the first portion included in the request of the second portion or the first portion specified by the specific information (column 7 lines 40-58). The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK.

25. Concerning claim 10, Sullivan teaches wherein at least a part of the first portion included in the request of the second portion or the first portion specified by the specific information is encrypted in column 7 lines 40-58. The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK.



26. Concerning claim 11, Sullivan teaches wherein key information utilized for the encryption comprises time information of encryption of at least a part of the first portion or the specific information in column 7 lines 40-58. The interface unit receives the time sensitive key (TSK). The interface unit then requests the digital certificate from the programmable unit and a public key of the programmable unit is obtained. The interface unit then encrypts the TSK with the public key of the programmable unit and sends it the TSK.

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. The following patents are cited to further show the state of the art with respect to dividing data before transmitting said data to a recipient, such as:

United States Patent No. 6,976,166 B2 to Herley et al., which is cited to show the patent that issued from the published application used to reject the claims of the instant application.

United States Patent Application Publication No. 2003/0028777 A1 to Hennessey et al., which is cited to show sending the encrypted checksums of content data as a separate data packet.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN LAFORGIA whose telephone number is (571)272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2139

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/  
Examiner, Art Unit 2139

clf